

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 9166

IN THE MATTER OF:

Served December 7, 2005

Application of CLARK)	Case No. AP-2005-127
TRANSPORTATION, LLC, to Acquire)	
Certificate No. 1012 from TOXI M.)	
CLARK, Trading as CLARK)	
TRANSPORTATION)	

By application accepted for filing August 8, 2005, applicant, Clark Transportation, LLC, a District of Columbia limited liability company, seeks Commission approval to acquire Certificate No. 1012 from Toxi M. Clark, trading as Clark Transportation. Clark has agreed to transfer Certificate No. 1012 and other assets in exchange for a controlling interest in applicant, a new carrier. The application is unopposed.

Under Article XI, Section 11(a), of the Compact, a person may not transfer a certificate of authority unless the Commission approves the transfer as consistent with the public interest. The public interest analysis focuses on the acquiring party's fitness.¹

Applicant proposes commencing operations with one van. Applicant's proposed tariff contains rates for transportation under the District of Columbia Medicaid program and private-pay rates for similar service.

Applicant verifies that: (1) applicant owns or leases, or has the means to acquire through ownership or lease, one or more motor vehicles meeting the Commission's safety requirements and suitable for the transportation proposed in this application; (2) applicant owns, or has the means to acquire, a motor vehicle liability insurance policy that provides the minimum amount of coverage required by Commission regulations; and (3) applicant has access to, is familiar with and will comply with the Compact, the Commission's rules, regulations and orders, and Federal Motor Carrier Safety Regulations as they pertain to transportation of passengers for hire.

Based on the evidence in this record, the Commission finds applicant to be fit, willing, and able to perform the proposed transportation properly and to conform with applicable regulatory

¹ In re Quality Med. Supplies LLC, t/a F & J Healthcare Servs., & Tingem Health Care Servs. Inc., No. AP-04-25, Order No. 8033 (May 27, 2004).

requirements and, therefore, that the transfer of Certificate No. 1012 to applicant is consistent with the public interest.

THEREFORE, IT IS ORDERED:

1. That upon applicant's timely compliance with the requirements of this order, Certificate of Authority No. 1012 shall be reissued to Clark Transportation, LLC, 1213 Trinidad Avenue, N.E., Washington, DC 20002.

2. That applicant may not transport passengers for hire between points in the Metropolitan District pursuant to this order unless and until a certificate of authority has been issued in accordance with the preceding paragraph.

3. That applicant is hereby directed to present its revenue vehicle(s) for inspection and file the following documents within the 180-day maximum permitted in Commission Regulation No. 66: (a) evidence of insurance pursuant to Commission Regulation No. 58 and Order No. 4203; (b) an original and four copies of a tariff or tariffs in accordance with Commission Regulation No. 55; (c) a vehicle list stating the year, make, model, serial number, fleet number, license plate number (with jurisdiction) and seating capacity of each vehicle to be used in revenue operations; (d) a copy of the for-hire vehicle registration card, and a lease as required by Commission Regulation No. 62 if applicant is not the registered owner, for each vehicle to be used in revenue operations; and (e) proof of current safety inspection of said vehicle(s) by or on behalf of the United States Department of Transportation, the State of Maryland, the District of Columbia, or the Commonwealth of Virginia.

4. That the grant of authority herein shall be void and the application shall stand denied upon applicant's failure to timely satisfy the conditions of issuance prescribed herein.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES, MILLER, AND SMITH:

William S. Morrow, Jr.
Executive Director